

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 234.6(4), the Department of Human Services amends Chapter 65, “Food Assistance Program Administration,” Iowa Administrative Code.

This amendment implements an option in the federal Supplemental Nutrition Assistance Program regulations at 7 CFR 273.2(j) to expand categorical eligibility beyond households in which all members receive Family Investment Program or Supplemental Security Income benefits. Households that are categorically eligible for Food Assistance are not subject to Food Assistance income and asset limits.

The mechanism for this expansion is broad-based categorical eligibility, under which households that are determined eligible for Iowa’s new Promoting Healthy Marriage Program will be categorically eligible for Food Assistance. The gross income limit for that program is 160 percent of the federal poverty level, which compares to the standard Food Assistance gross income limit of 130 percent of the federal poverty level.

Notice of Intended Action on this amendment was published in the Iowa Administrative Bulletin on August 25, 2010, as **ARC 9020B**. The Department received no comments on the Notice of Intended Action. This amendment is identical to that published under Notice of Intended Action.

Rules implementing the Promoting Healthy Marriage Program are published herein as **ARC 9172B**.

This amendment does not provide for waivers in specified situations because the expansion of categorical eligibility is a benefit to the persons affected.

The Council on Human Services adopted this amendment on October 13, 2010.

This amendment is intended to implement Iowa Code section 234.12 and 2010 Iowa Acts, House File 2526, section 7(4)(d)(2).

This amendment shall become effective on January 1, 2011.

The following amendment is adopted.

Amend rule 441—65.39(234) as follows:

**441—65.39(234) Categorical eligibility.**

**65.39(1)** Notwithstanding anything to the contrary in these rules or in federal regulations, a household in which all members are recipients of a state or local general assistance (GA) program is subject to categorical eligibility provisions of the food assistance program provided that the state or local program:

- ~~1. a.~~ Has income limits at least as stringent as the food assistance gross income test; and
- ~~2. b.~~ Gives assistance other than one-time emergency payments that cannot be given for more than one continuous month.

**65.39(2)** Notwithstanding anything to the contrary in these rules or in federal regulations, a household is subject to categorical eligibility provisions of the food assistance program for any month in which the household is determined eligible for the Iowa promoting healthy marriage program pursuant to rule 441—47.2(234).

[Filed 10/13/10, effective 1/1/11]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 11/3/10.